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WASHINGTON, DC 20005-3934

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SEP 11 2002

OFFICE OF PETITIONS

In re Application of :
Ronald Vidal, Paul Alexander, :
Robert Kelly, David Bruton and :
Robert Todd :
Application No. 09/988,821 :
Filed: November 20, 2001 :
Title: CABLE INSTALLATION :

DECISION ACCORDING STATUS
UNDER 37 C.F.R. § 1.47(a)

This is a decision on the "Petition under 37 C.F.R. § 1.47(a)," filed June 12, 2002.

The petition under §1.47(a) is **GRANTED**.

The above-identified application was filed on November 20, 2001, without an executed oath or declaration. Ronald Vidal, Paul Alexander, Robert Kelly, David Bruton and Robert Todd were named as joint inventors. Accordingly, on February 12, 2002, a "Notice to File Missing Parts of Nonprovisional Application" was mailed, requiring an executed oath or declaration, and a surcharge for late filing. This Notice set a period for reply of two months from the mailing date of the notice, with extensions of time obtainable under § 1.136(a).

On June 12, 2002, applicants responded *inter alia* with the instant petition, made timely by an accompanying petition (and fee) for extension of time for response within the second; three declarations executed in combination by joint inventors Vidal, Kelly and Bruton on behalf of themselves and on behalf of non-signing inventors Alexander and Todd; and payment of the surcharge for late filing of the declaration.

Rule 47 applicant maintains that status under 37 CFR 1.47(a) is proper because joint inventors Alexander and Todd are unavailable to join in the application for patent. A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.

Petitioner has shown that the non-signing inventors have refused to join in the filing of the above-identified application after having been presented with the application papers. By declaration of paralegal Kathy Manke, rule 47 applicants have shown that a copy of the application papers were presented to

each of the non-signing inventors and that each, by their conduct in not responding, have refused to join in the application. Documentary evidence in the form of copies of the letters transmitting the application papers to each inventor by United Parcel Service (UPS) delivery along with UPS delivery tracking confirmations, were made a part of the statement. The letters set forth deadlines for applicants to respond with executed declarations. These deadlines have passed without a response having been received by applicants.

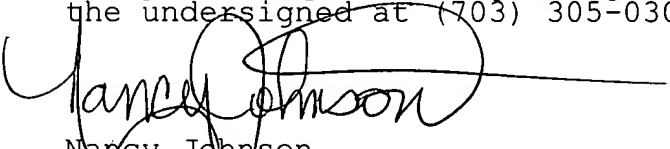
The declarations filed June 12, 2002, and the petition have been reviewed and found in compliance with 37 C.F.R. §1.47(a).

This application is hereby accorded Rule 1.47(a) status.

As provided in new Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The application file is being returned to the Office of Initial Patent Examination for completion of pre-examination processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 305-0309.



Nancy Johnson
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy



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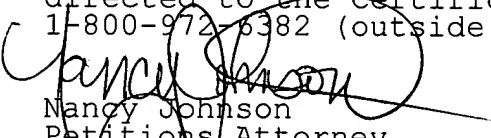
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: LETTER
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Dear Mr. Todd:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Nancy Johnson at (703) 305-0309. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).


Nancy Johnson
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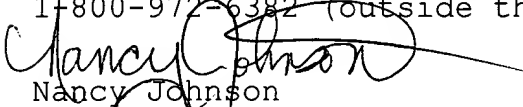
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Ronald Vidal, Paul Alexander, :
Robert Kelly, David Bruton and : LETTER
Robert Todd :
Application No. 09/988,821 :
Filed: November 20, 2001 :
Title: CABLE INSTALLATION :

Dear Mr. Alexander:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

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